



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,656	05/01/2006	Kang Soo Seo	46500-000411/US	3241
30/593 7590 12/08/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
TOPGYAL, GELEK W				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
12/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,656

Applicant(s)

SEO ET AL.

Examiner

GELEK TOPGYAL

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 17, 18, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14, 17, 18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11, 14, 17-18, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.
2. However, the applicants argue that the proposed combination of Kato et al. and Frimout et al. would not have been obvious to one of ordinary skill in the art. In arguing, the applicants point out that Frimout et al. (in paragraph [0008]) distinguishes that the recording and management data are not stored on the same media. Furthermore, it is also argued that the differences in the type (between Kato and Frimout) of data being downloaded cannot be ignored.
3. In response, the examiner respectfully disagrees. In the prior Office Action, the examiner cited the portions of paragraphs [0008]-[0016], wherein paragraph [0011] specifically teaches that the *"preferred embodiment can also be applied when management data are stored on the record medium itself"*. Therefore, the management data of Frimout can be recorded on the same recording medium as that of the recording data (broadcast program). It can also be deduced that both Frimout and Kato et al. allows for the recording of broadcast programs and therefore are of the same type of downloaded/recorded programs/content.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-11, 14, 17-18 and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US 2002/0145702) in view of Frimout et al. (US 2005/0174666) and further in view of Tsumagari et al. (US 2004/0126095).

Regarding claims 1, 11, 14 and 17-18, Kato et al. teaches a method/apparatus for reproducing data recorded on an optical disc, the method comprising:

downloading the at least one additional clip from the external source (Paragraphs 0003, 0150 and 0170 teaches that an AV stream to be recorded is from a broadcast signal such as satellite broadcasts, wave television broadcasts or digital broadcasts);

creating a second Playlist based on the first Playlist (paragraph 0150 teaches that when additional content is recorded, a new Playlist with its respective PlayItem of the AV stream and the management information for the recorded contents are stored in the memory), the second Playlist including a second PlayItem designating the at least one additional clip designated by the download list; and (paragraphs 0179-0182 and 0252 teaches of the ability to insert new PlayItems into an existing virtual Playlist. The new virtual Playlist includes portions of both an existing Real Playlist and the recently created Playlist including the additional content),

reproducing the additional clip based on the second Playlist (paragraphs 0179-0182 and 0252 teaches of the ability to insert new PlayItems into an existing virtual Playlist. The new virtual Playlist includes portions of both an existing Real Playlist (original clip) and the recently created Playlist including the additional content).

However, Kato et al. fails to particularly teach of reading a first PlayList identifying a download list from the optical disc, the download list designating at least one additional clip downloadable from an external source;

Kato et al. system is a recording apparatus that is capable of recording television broadcasts. It is well known in the art at the time of Kato et al. for recording systems to use reserved recording technology.

In an analogous art, Frimout et al. teaches in paragraphs 0008-0016 of the ability to store management data on the same recording medium as that of the recorded broadcast program. The management data is used to initiate and execute a programmed recording of a broadcast program.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to create a playlist (management data with programmed recording schedule) as taught by Frimout et al. into the system of Kato et al. so that broadcast programs can be programmed for automatic recording.

The proposed combination of Kato et al. and Frimout et al. teaches of creating a playlist with the addition of a new broadcast program, it does not specifically teach that the location of the program is stored in a local storage separate from the optical disc.

In an analogous recording and reproducing art, Tsumagari et al. teaches of an enhanced DVD reproduction process, wherein additional content (ENAV Content) are downloaded and stored in a Buffer Portion 57 (Fig. 1) so that during playback of the DVD, the device is capable of reproducing the ENAV content at the appropriate time (see Paragraphs [0116] and [0133]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the proposed combination of Kato et al and Frimout et al. so that downloaded/recorded content can be recorded in another location besides the optical disc (where the playlist and the video data are stored) as taught by Tsumagari et al. so that the additional content can be utilized only when needed, i.e. upon reproduction, and not take up additional space on the optical disc.

Claims 2-3 are rejected for the same reasons as discussed in claim 1 above wherein an original PlayItem is used for creating the Virtual PlayList.

Regarding claims 4 and 9, as discussed in claims 1 and 2 above the downloaded program of Kato et al. is used to create a new PlayList useable in the creation of the new Virtual PlayList.

Regarding claims 5-7, Kato et al. teaches in paragraphs 0202 and 0330-0336 and Fig. 53 teaches of PIDs of different program sequences. The program sequence, the playback route, is determined by the PlayList (Virtual or Real).

Regarding claims 8 and 10, Kato et al. teaches in paragraph 0202 of ProgramInfo used to describes attributes of the downloaded program. The attributes are used to identify the contents of the program.

Claims 20-21 are rejected for the same reasons as discussed in claims 4 and 9 above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621